

MATTER OF TANG
In Deportation Proceedings
A-15363812

Decided by Board April 22, 1971

Where respondent presented no competent legal evidence in support of his claim that the documents entered into evidence to establish his deportability were obtained in violation of his constitutional rights, such contention is dismissed since one who raises the claim must come forward with proof establishing a prima facie case of illegality before the Service will be called upon to assume the burden of justifying the manner in which it obtained its evidence.

CHARGE:

Order: Act of 1952—Section 241(a) (2) [8 U.S.C. 1251(a) (2)]—Nonimmigrant crewman—remained longer.

ON BEHALF OF RESPONDENT:
Peter Zimmerman, Esquire
100 State Street
Boston, Massachusetts 02109

Counsel of record:
Joseph F. O'Neil, Esquire

ON BEHALF OF SERVICE:
Irving A. Appleman
Appellate Trial Attorney

Respondent appeals from the special inquiry officer's order finding him deportable and granting him voluntary departure. The appeal will be dismissed.

Respondent admitted that he is an alien, but he refused to testify as to his right to be in the United States. He did not claim privilege. The special inquiry officer found that respondent was an alien, that he had been admitted in June 1969 as a nonimmigrant crewman, that he had been authorized to remain for not longer than 29 days and that he had remained without authority. These findings are based on the admission of alienage respondent made at the deportation hearing and on information found in the respondent's seaman's identity book, his seaman's discharge book, his identity card and the landing permit showing his arrival on June 26, 1969 at Los Angeles. The contents of the first three doc-